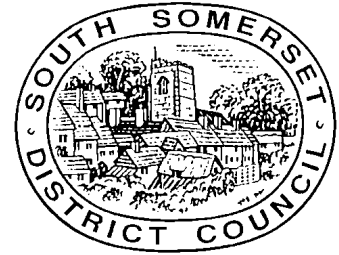


South Somerset District Council

Notice of Meeting



Area South Committee

Making a difference where it counts

Wednesday 6th January 2016

4.00 pm

**Council Chamber
Council Offices,
Brympton Way,
Yeovil BA20 2HT**

(disabled access and a hearing loop are available at this meeting venue)



Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than **4pm**.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Boucher 01935 462011**, website: www.southsomerset.gov.uk

This Agenda was issued on Monday 21st December 2015.

Ian Clarke, Assistant Director (Legal & Corporate Services)

**This information is also available on our website
www.southsomerset.gov.uk**



INVESTORS IN PEOPLE

Area South Committee Membership

Cathy Bakewell
John Clark
Gye Dibben
John Field
Nigel Gage
Peter Gubbins
Kaysar Hussain

Andy Kendall
Sarah Lindsay
Mike Lock
Tony Lock
Sam McAllister
Graham Oakes
Wes Read

David Recardo
Gina Seaton
Peter Seib
Alan Smith
Rob Stickland

South Somerset District Council – Council Plan

Our focuses are: (all equal)

- Jobs – We want a strong economy which has low unemployment and thriving businesses.
- Environment – We want an attractive environment to live in with increased recycling and lower energy use.
- Homes – We want decent housing for our residents that matches their income.
- Health & Communities – We want communities that are healthy, self-reliant, and have individuals who are willing to help each other.

Scrutiny procedure rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

Consideration of planning applications

Members of the public are requested to note that consideration of the planning applications will commence immediately after Item 6 at approximately 4pm. The public and representatives of Parish/Town Councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A formal written report from the Area Highways Office should be included in the Agenda in May and November. Alternatively, they can be contacted direct through Somerset County Council on 0300 123 2224.

Members questions on reports prior to the meeting

Members of the committee are requested to contact report authors on points of clarification prior to the committee meeting.

Information for the Public

The Council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by Area Committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as "key decisions". Members of the public can view the council's Executive Forward Plan, either online or at any SSSC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman's discretion, members of the public are permitted to speak for up to up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area South Committee are normally held monthly at 2.00pm on the first Wednesday of the month at the Council Offices, Brympton Way, Yeovil.

Agendas and minutes of Area Committees are published on the Council's website www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

The Council's Constitution is also on the web site and available for inspection in council offices.

Further information about this Committee can be obtained by contacting the agenda co-ordinator named on the front page.

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 5 of the Council's Constitution.

Public Question Time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the chairman of the committee. Each individual speaker shall be restricted to a total of three minutes.

Planning Applications

Comments and questions about planning applications will be dealt with at the time those applications are considered, when planning officers will be in attendance, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant/Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

Area South Committee

Wednesday 6 January 2016

Agenda

Preliminary Items

- 1. Minutes of previous meeting**
- 2. Apologies for absence**
- 3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15th May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

Planning Applications Referred to the District Council's Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Peter Gubbins, Graham Oakes, David Recardo and Gina Seaton.

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Public question time

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern. Parish/Town Council representatives may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town. The public and representatives of Parish/Town Councils will be invited to speak on individual planning applications at the time the applications are considered.

5. Chairman's announcements

6. Reports from representatives on outside organisations

This is an opportunity for Members who represent the Council on outside organisations to report items of interest to the Committee.

Items for discussion

7. Schedule of Planning Applications to be Determined by Committee (Pages 8 - 9)

8. Planning Application 15/04945/FUL - Former Ashleys Of Yeovil West Hendford Yeovil (Pages 10 - 39)

9. Forward Plan (Pages 40 - 42)

10. Appeals (For Information Only) (Pages 43 - 46)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Agenda Item 7

Schedule of Planning Applications to be determined by Committee

Strategic Director: Rina Singh, Acting Chief Executive
Assistant Director: Martin Woods, Economy
Service Manager: David Norris, Development Control Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area South Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered at 4.00pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.45pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
8	YEOVIL SOUTH	15/04945/FUL	The erection of a new food store with ancillary car parking	Former Ashleys Of Yeovil West Hendford Yeovil	Lidl UK

Further information about planning applications is shown below and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda had been prepared.

Referral to the Regulation Committee

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 8

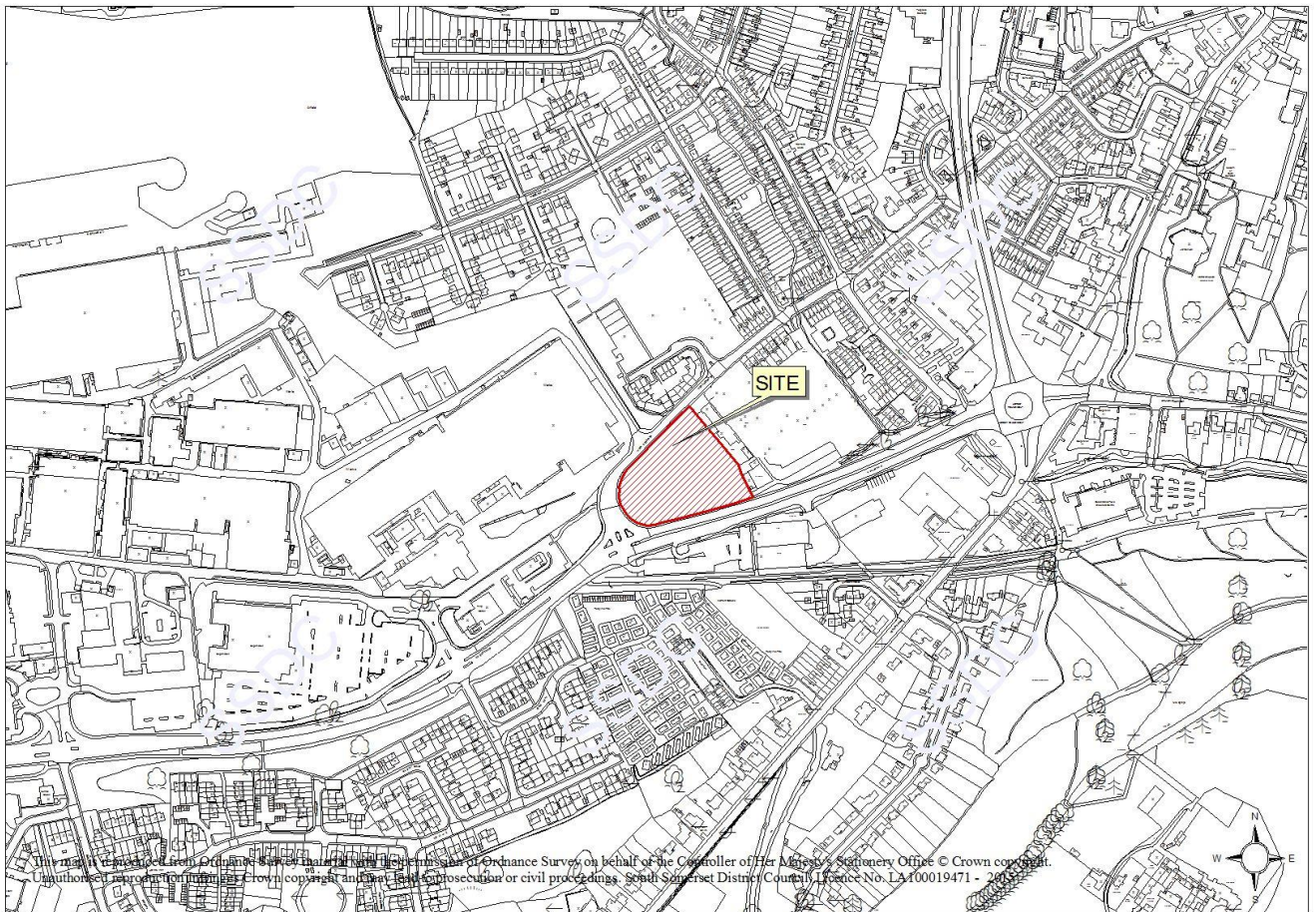
Officer Report On Planning Application: 15/04945/FUL

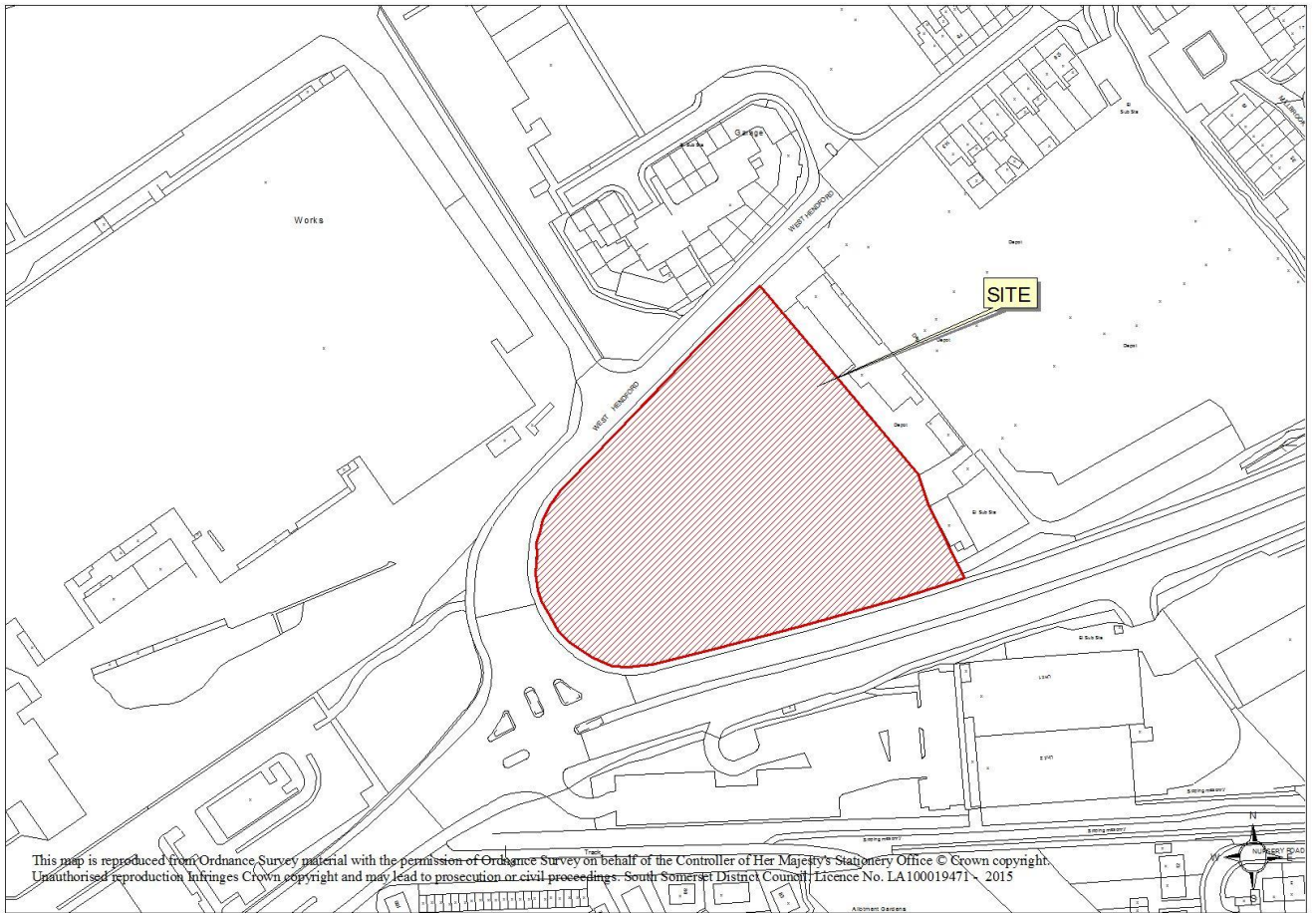
Site Address:	Former Ashleys Of Yeovil West Hendford Yeovil
Ward :	Yeovil (South) Parishward: South
Proposal :	The erection of a new food store with ancillary car parking (GR 354914/115458)
Recommending Case Officer:	Simon Fox, Area Lead Officer (South)
Target date :	29th January 2016
Applicant :	Lidl UK
Type : 04	Major Retail f/space 1,000 sq.m or 1ha+

Reason for Referral to Committee

This application is referred for Committee consideration at the request of the Development Manager in accordance with the scheme of delegation and with the agreement of the Chairman, to allow the application to be debated in public given the nature of the proposal and the significance of the development.

Site Description, Proposal and Site History





The 0.92 hectare application site is made up of two areas of industrial land; the larger part formally occupied by Ashley's Engineering, both sites are cleared and currently unused.

The application site is located to the west of the town centre on the junction between West Hendford to the west/north and Lysander Road (A3880) to the south. Further to the west is a fast food restaurant and to the north is Agusta Westlands and the residential estate known as Fosse Park Road (part of the former Seaton's Garage). On the opposite side of Lysander Road is a retail unit currently occupied by B&M and beyond is Yeovil Country Park. To the east is a vehicle garage/workshop and electricity substation with a small connection to the neighbouring vacant larger former Southern Electric site.

Existing landscaping means the site is well screened from Lysander Road but is more open to view from West Hendford where vehicular access is achieved. The site is relatively level compared to West Hendford but sits slightly lower compared to Lysander Road.

In August 2008 an application was submitted (08/03529/FUL) seeking planning permission for the demolition of the existing industrial unit and the erection of a new 'deep discount' foodstore with associated parking, servicing and infrastructure improvements. The proposed store extended to 1,385sqm gross internal area (1,063sqm net area). Due to the out of centre location the proposal was recommended for refusal by officers but approved, in principle, at the meeting of Area South committee in December 2008. This decision was ratified by Regulation Committee and then referred to the Government Office for the South West (GOSW). Confirmation was received in February 2009 that GOSW did not wish to call the application in. Discussions regarding the planning obligation stalled, primarily due to the acquisition of third party land to fulfil the access arrangements and so eventually the

application was withdrawn in July 2009.

Later in August 2009 an application (09/03469/FUL) for effectively the same deep discount foodstore but at 1,115sqm (870sqm net trading area) was submitted on the neighbouring Southern Electric site. Again the application was recommended for refusal by officers for the sole reason that the site fell outside the Town Centre and therefore outside the preferred location for retail development. Again Area South Members supported the application and following the satisfactory completion of a S106 agreement to restrict the range of product and services which could be sold/offered from the store and to secure an off-site highways contribution of £75,000 towards the improvements of the Lysander Road/West Hendford junction the planning permission was issued in December 2010. A material start to this development was made in November 2013.

In the meantime the third party land issues, which stymied the original 2008 application, along with adjustments to the means of access meant the Ashley's Engineering site was again the favoured location for the 'deep discount' foodstore. With the inclusion of a wedge of land formally used by Southern Electric application 13/03564/FUL sought a comprehensive development including:

- 1,575sqm gross internal area (1,123sqm net area) (16,000sqft) of A1 food retail floorspace,
- 697sqm (7,500 sqft) of A3 family restaurant/pub floorspace
- 166 sqm (1,800 sqft) of A3 coffee shop floorspace

The application was approved in November 2014 by Area South Committee subject to a planning obligation that included:

- Restriction of the range of products and services which can be sold/offered from the store, including:
 - o No more than 3,000 product lines,
 - o Restriction on net sales area of non-food comparison goods to 20% of total net sales area,
 - o No butchers, fresh fish, delicatessen counters,
 - o No café/restaurant, post office or pharmacy,
 - o No lottery sales, photographic booth or dry cleaning service
- Revocation of the foodstore permission (09/03469/FUL) on the neighbouring site.
- An off-site highways contribution towards the improvements of the Lysander Road/West Hendford junction to include upgrading to Toucan crossings and the upgrading of the existing footpath on the south eastern side of West Hendford to a shared footway/cycleway.
- The provision of a permissive route through the site suitable for pedestrians and cyclists which links Lysander Road and land to the east, former SSE site, as and when that site is developed.

The site has now been acquired by Lidl UK. This application seeks permission solely for the foodstore element. The store would extend to 2,611sqm gross internal area (1,583sqm net area). The site is still to be served by a vehicular access off West Hendford, and will be provided parking (109 spaces inclusive of 6 disabled spaces), along with landscaping and associated works. Cycle links will be provided around the West Hendford side of the site to the main entrance and through the site to link into the neighbouring site at a future date.

The application is supported by the following documents:

- Design and Access Statement
- Transport Assessment
- Travel Plan
- Retail and Planning Statement

- Flood Risk Assessment
- Geo-Technical and Geo-Environmental Report
- Extended Phase 1 Ecological Assessment and update
- Tree Survey
- Environmental Noise Report
- Ventilation/Extraction Statement
- Daylight - Sunlight Study
- Energy Statement
- Crime and Disorder Statement
- Waste Management Statement
- Community Involvement Statement

The terms of the planning obligation signed as part of the previous application would continue forward to this scheme in a new agreement and the highway works secured by a separate s278 Highway Authority agreement would be honoured, again via a new agreement if necessary.

For comparison the Lidl store at Lyde Road extends to 1,635sqm gross internal area (1,286sqm net area).

Additional information has been received detailing an access barrier at the site entrance and a document which compares and contrasts the current Lidl store format evident at Lyde Rd to a new style of store format proposed by this application. The document seeks to explain the increase in the size of the store and the new design features that the store would offer customers.

During the course of the application the applicant agreed to make a financial contribution to create a bus stop in the vicinity of the site on Lysander Road.

RELEVANT PREVIOUS APPLICATIONS

13/03564/FUL: Demolition of existing buildings, the erection of a food retail unit (Use Class A1), a drive-through coffee shop (Use Class A3), and a restaurant/public house (Use Class A4) with associated car parking, infrastructure and landscaping: 18/11/2014: Application permitted with conditions.

10/00316/FUL: Closure of existing northern access into Ashley's and reconfiguration of the existing southern access, and associated widening of West Hendford: 22/09/2011: Application permitted with conditions.

08/04456/FUL: Alterations to existing access to include provision of a new roundabout: 10/02/2009: Application permitted with conditions.

08/03529/FUL: Demolition of existing industrial unit and the erection of a new foodstore with associated parking, servicing and infrastructure improvements: 22/07/2009: Application Withdrawn.

04/01763/OUT: The erection of a non-food retail development with car parking and service yard: 10/04/2007: Application Refused.

03/01529/OUT: The erection of a non-food retail development with car parking and service yard: 18/07/2003: Application Withdrawn.

Adjacent site (SSE site):

09/03469/FUL: Demolition of existing warehouse and office buildings and the erection of a new food retail store with associated parking, servicing and on site road infrastructure:
10/12/2010: Approved with conditions.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

On 5th March 2015 South Somerset District Council, as Local Planning Authority, adopted its Local Plan to cover the period 2006 to 2028.

On this basis the following policies are considered relevant:-

Policies of the South Somerset Local Plan (2006-2028):

SD1 - Sustainable Development
SS1 - Settlement Hierarchy
SS3 - Delivering New Employment Land
SS6 - Infrastructure Delivery
EP3 - Safeguarding Employment Land
EP9 - Retail Hierarchy
EP10 - Convenience and Comparison Shopping in Yeovil
EP11 - Location of Main Town Centre Uses (The Sequential Approach)
EP12 - Floorspace Threshold for Impact Assessments
EQ1 - Addressing Climate Change in South Somerset
EQ2 - Design & General Development
EQ3 - Historic Environment
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control
TA1 - Low Carbon Travel
TA3 - Sustainable Travel at Chard and Yeovil
TA4 - Travel Plans
TA5 - Transport Impact of New Development
TA6 - Parking Standards

National Planning Policy Framework (March 2012):

Chapter 1 - Building a Strong, Competitive Economy
Chapter 2 - Ensuring the Vitality of Town Centres
Chapter 4 - Promoting Sustainable Transport
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12 - Conserving and Enhancing the Historic Environment

Other

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

Yeovil Town Council:

Support; the TC encourage the inclusion of a bus stop on Lysander Road.

Highways Authority (Somerset CC):

"...the Highway Authority has the following observations to make on the highway and transportation aspects of the proposal.

There is a previously approved scheme on this site that included a discount food store as part of a mixed use development. That scheme included a redesigned access to the site that accommodated the additional traffic and a financial contribution to further offsite improvements. The traffic generation calculations and distribution of that traffic onto the network had been agreed as part of that submission. It was determined that the impact of that traffic had been properly mitigated by the works proposed.

The current scheme is for a larger discount food store only and whilst there is more traffic associated with the food store is increased the removal of the other uses from the proposal has resulted in the levels of predicted traffic being very similar. The previously agreed distribution of this traffic on the network has been repeated in this submission as have the proposed improved access arrangements. The applicant has agreed to make a financial contribution to the offsite works which will help mitigate the impact of the development and improve the accessibility of the store to people travelling by foot, cycle and public transport. The proposed level of car parking is considered acceptable for the predicted level of traffic.

Therefore, subject to the applicant agreeing a contribution of £100k to the provision of all or some of a bus stop, improved footway/cycleway and an upgrade of the traffic signals at the adjoining junction secured by a signed S106 Agreement...[no objections]".

Conditions proposed concerning the access, the provision of a construction compound, a road condition survey, surface water drainage, travel planning and the retention of parking without obstruction.

SSDC Planning Policy:

Due to the length and detail contained within the consultation response from Planning Policy colleagues this is attached as **Appendix 1**.

The comments relate to the compliance with the sequential test, the impact of additional floorspace on the Town Centre and whether the proposal affects the overall level of planned investment in convenience goods retail floorspace in Yeovil.

SSDC Area Development:

"the Area South Development Team are keen to protect the Economic Viability of Yeovil Town Centre and therefore oppose any out of Town Development that could prove detrimental to it's future".

SSDC Environmental Protection and SSDC Contaminated Land Officer:

Verbal discussion - previous comments regarding land contamination apply, the recommendations of the Acoustic Consultants Ltd report should be carried out and there should be a night time curfew on the operation of the air conditioning units.

SSDC Tree Officer:

Verbal discussion - Based on drawing 1174 HRH Design Associates Landscaping Plan - Good framework for detailed scheme via condition.

SSDC Ecologist:

"I'm satisfied that further bat and reptile surveys and an update Phase 1 Ecological Assessment have largely addressed the potential issues that were identified in the earlier 2013 assessment. One issue that could still be outstanding is that of Japanese Knotweed. I recommend an informative".

Crime Prevention Officer:

Observations regarding layout and security.

Environmental Agency:

No objection subject to conditions and informatives concerning ground levels in the flood risk area, contaminated land, sustainable construction and pollution prevention during construction.

Wessex Water:

Presence of a foul sewer crossing part of the site, the application indicates surface water will be attenuated on site and discharge to land drainage and this requires the approval of the LLFA. There is capacity on the foul drainage network and water supply network for domestic type demand only.

Lead Local Flood Authority (LLFA):

No objection subject to conditions to ensure a satisfactory system of surface water drainage is achieved.

South West Heritage Trust (Archaeology):

No objections.

REPRESENTATIONS

Neighbouring properties to the site have been notified in writing. A site notice has been displayed and a press advert placed (major development).

Two representations have been received both setting out a desire to see a bus stop along the Lysander Road frontage.

CONSIDERATIONS

The proposal raises many issues which will be assessed in turn.

Principle of Development

Policy SS1 of the Local Plan states Yeovil is a Strategically Significant Town and the prime focus for development in South Somerset. Policy SD1 reinforces the message of the National Planning Policy Framework that a proactive approach should be taken to reflect the presumption in favour of sustainable development and to seek development that improves the economic, social and environmental conditions within the District.

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the National Planning Policy Framework indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

As such the comments of colleagues from Planning Policy are noted regarding the compliance with the sequential test, the impact of additional floorspace on the Town Centre and whether the proposal affects the overall level of planned investment in convenience goods retail floorspace in Yeovil.

Sequential Test

There are and have been several retail schemes in out-of-town areas that the LPA has been resistant to. These include the original Yeovil Town Football Club application for a 6,505sqm food store and the erection of an 1,895sqm non-food store at the Peel Centre, Babylon Hill. The latter is within the jurisdiction of West Dorset DC and was refused following strong representations made by SSSDC and is now at appeal. The basis for these objections was the

'town centre first policy' and the presence of sequentially preferable sites, such as the Quedam Extension, Cattle Market, Stars Lane/Box Factory and Olds Garage to name a few. The Planning Department is working with colleagues in Spatial Policy, Economic Development and Area Development plus Yeovil Chamber of Trade, Yeovil Vision and Love Yeovil and relevant landowners to ensure the message is consistent. It is clear that town centre (sequentially preferable) sites exist and they have not been satisfactorily discounted, and therefore compliance has not been demonstrated with Local Plan policies EP9 and EP11.

Impact Assessment

In terms of the additional floorspace on the town centre the applicant concludes that the proposed store would not have a significant adverse impact on the vitality and viability of Yeovil town centre as a whole, or any planned investment.

The view of the LPA is that given there are sequentially preferable sites available that trade will inevitably be diverted, the ability for linked trips will be lost, the town centre vacancy rate will not be improved and there will be an impact to some degree on planned future investment in the town centre contrary to EP10 and EP12 of the Local Plan.

Discussion

In normal circumstances the committee would be advised to refuse the application. Importantly however national policy is capable of being displaced if the planning committee consider that it is outweighed by other material considerations. What amounts to a material consideration is a matter of law, the weight to be given to such considerations is a question of planning judgement; the part any particular material consideration should play in the decision-making process, if any, is a matter entirely for the planning committee.

It is opined that the most significant material consideration in this case is the fact an extant consent for an almost identical deep discount foodstore albeit with a smaller footprint is capable of implementation on the site. In addition this application has been submitted by Lidl UK and so for the first time there is a named operator associated with a scheme. The applicant has bought the site with that extant consent present and so, in reality, is now not going to look at investing instead in one of the sequentially preferable town centre sites instead.

Notwithstanding the sequential test one of the main arguments against out-of-town retail development is that it threatens planned investment in the town centre. This is especially relevant where there are a limited number of retailers looking to invest in the town and competition between sites is high. It has however been the case that a deep discount retail store, irrespective of absolute size, has been approved in this vicinity (out-of-town) since 2009. Indeed the acquisition of the Quedam Shopping Centre has occurred since 2009. As such there has been sufficient time for town centre landowners to allow for/re-orientate investment plans in light of this. One also has to be mindful of the fact that this particular operator already has a store on the east side of town and so a town centre site, it has been explained would in any case, be considered too close to their existing store.

A deep discount retailer has a limited product range and do not stock multiple lines of the same product to ensure the lowest possible operating costs. The previous application was approved subject to the legal agreement which limited product lines; the types of services offered and restricted the net sales area of non-food comparison goods. As such any perceived impact of a food retail store on the town centre traders is tempered by these restrictions.

The most significant change to the proposed retail store is its size. The applicant has

provided a document entitled 'Compare and Contrast' to set out why this new store format is preferred to the old store format previously approved.

Previously the 2013 approval allowed a store of 1,575sqm gross whereas the proposal now is 2,611sqm gross. Whilst this represents a 1,036sqm increase in overall size, the net tradable area has only increased by a more modest 460sqm from the 1,123sqm previously approved. It is clear therefore that the new store format has a larger amount of ancillary and welfare areas. Whilst these predominately include larger 'back of house' staff rooms, warehousing and chiller space it also encompasses features like the inclusion of customer toilets/baby changing which the last approval did not have.

The advantage of this scheme over the fall-back scheme is the improved store format now being rolled out by the applicant. They suggest this is one of the first in the region and will enhance the current shopping experience and will be different to their other local stores. This is because of the use of higher internal ceiling heights and full height glazing to the frontages, gaining natural light into the store; also wider aisles and a new internal colour scheme and contemporary décor. The applicant states *'The new store, although larger in footprint than the previous stores due to increased warehouse and staff facilities, provides a much improved energy efficient building that not only reduces the amount of consumable energy used but also benefits the efficiency of the staff and deliveries to the store'*. If the town is to receive a new retail food store then the LPA should ensure it is the best design and layout available and provides the best offer for residents.

It is considered the issue regarding the loss of traditional 'B' use employment land was considered by the previous application. At that time it was noted the Ashley's Engineering site provided 38 jobs. The then intended uses (inclusive of the pub/restaurant and coffee shop) would have created somewhere in the region of 80 jobs comprising part-time and full-time posts, in addition to those during the construction period. The application form to this application suggests 40 jobs would be created (excluding those employed in the construction phase) and so whilst this is fewer than would be created by the last application it is still comparable to the previous industrial use in accordance with Local Plan policy EP3. The applicant also pays the Living Wage to its employees.

It is important to make the clear statement that by potentially approving this application the LPA is not conceding that there are not sequentially preferable sites and there would not be impacts and that it has set an unwelcome precedent in supporting out-of-town retail. The LPA remains committed to the town centre first policy to enhance the vitality and viability of the town centre and to facilitate the existing and planned investment. To this end those landowners have to play their part in ensuring those sites are suitable, available and deliverable in a short timescale, unencumbered by planning issues so as to offer a realistic alternative to generally easier to develop and more heavily promoted out-of-town sites.

Whilst the LPA strong stance on out-of-town retail will continue to be the case for sites without a retail planning history this site is considered to be an entirely different proposition because of the historic approvals in 2008 (albeit a resolution), 2009 and 2013. As such this is a material consideration to which, as previously explained, substantial weight is attached that overrides the policy position regarding the sequential test and impact on the town centre. At any time in the last 6-7 years a store could have already been built at West Hendford.

This type of issue is of course a balancing exercise and the LPA is mindful of the stance it has taken on other similar applications elsewhere but again for the reasons set out above, given the fall-back position, the committee can be reasonably satisfied that no greater significant harm would result by reason of the proposed development and although contrary to the Local Plan the material consideration of the previous schemes take precedence.

Design and Layout

The context to the site is varied, comprising industrial buildings with aspects of red-brick under dark roofs and the completed part of the new residential development at Seaton's Garage comprising red-brick and render walls under slate roofs. Allied to this are the established residential properties further along West Hendford, constructed of red-brick under tiled and slated roofs, to the east of the site and the retail warehouse on the opposite side of Lysander Road.

The previous scheme used a coherent palette of materials to draw the development of three buildings together including the use of red-brick to root it in its context. The new proposal seeks a departure from this, and obviously now only a single building is proposed rather than three. The predominant materials of a grey plinth, silver cladding and white render to the walls and a grey composite panel and single ply membrane roofing system allied to the full height glazing system imply a more contemporary approach. Whilst this perhaps does not invoke the local vernacular it is within a context where it would not be overtly out of place and clearly from the supporting paperwork the design of the store is key to the retailer and the offer it wants to make its customers. As such it is considered the design is appropriate for this setting.

The remaining aspect that can unify the site with its context is the scheme of soft landscaping scheme. The proposal will include significant tree planting. This will ensure the perimeter of the site receive trees which provides a visual softening of the built form. The approach to tree planting and soft landscaping has been endorsed by the Council's Tree Officer.

As well as the application being supported by a Design and Access Statement, a Daylight-Sunlight study has been submitted which does not raise any issues. It is considered with suitable and reasonable conditions in place to agree the specific facing/landscaping materials and the final soft landscaping scheme the proposal accords with policies EQ2 and EQ5 of the Local Plan and the NPPF.

Pollution Control/ASB

The particular issue of contaminated land is considered in a later section. The proposed retail unit could bring rise to noise disturbance though its initial construction and on-going operation and it is noted there are residential properties close by to the north-east. In terms of the construction phase a Construction Management Plan will be requested by condition and a separate condition will control construction hours in accordance with policy EQ7 of the Local Plan.

The application is supported by an Environmental Noise Report which sets out the potential sources of noise from the on-going operation and how they can be mitigated. The report details air-conditioning, bakery and refrigeration plant will be located in the north-eastern corner behind the delivery area approx. 25m from nearest properties. The air-conditioning plant also operates during opening hours whilst the other plant works 24/7. The report recommends an acoustic fence be erected around the plant and this will be conditioned. The report also details delivery operation noise emission and outlines suitable mitigation.

It is considered with suitable and reasonable conditions in place the proposal accords with policy EQ7 of the Local Plan and the NPPF.

The application contains a 'Crime and Disorder Statement'. It states 'Secured by Design' principles have been incorporated. In terms of potential noise disturbance from other on-

going activities the Rustywell Residents Association have previously pointed to potential anti-social behaviour associated to misuse of the car park. Whilst this is acknowledged the management of the site is one for the site owner and the police and is now perhaps aided by the site being in one operators control rather than three. A barrier across the entrance has been indicated to prevent access when the site is not open for business.

The Police Architectural Liaison Officer has also reviewed the plans and his recommendations included in revised plans where possible to accord with policy EQ2 of the Local Plan.

Concern has also been raised previously by the Rustywell Residents Association regarding external lighting and litter. Whilst controls regarding litter collection are not generally imposed on the type of use proposed; it is considered reasonable to agree details of all external lighting via condition and for the scheme to accord with policies EQ2 and EQ7 of the Local Plan and in the context of existing street lighting. Lighting of advertisements/signage will require separate consent on which the merits can be assessed.

Highways

Vehicular access to the site is proposed off West Hendford in an identical form to that approved previously and for which an agreement under s278 of the Highways Act 1980 was signed with the Highway Authority in October 2014.

The Highways Authority has maintained its request for a financial sum towards the improvement of the West Hendford-Lysander Road junction to include upgrading to Toucan crossings and the upgrading of the existing footpath on the south eastern side of West Hendford to a shared footway/cycleway. During the course of the application, an enhanced financial contribution was agreed with the applicant to provide a bus stop on Lysander Road. Such a request was then validated by local demand via the two public representations and the consultation with Yeovil Town Council. The bus stop would be able to serve three separate routes.

The site is already easily accessible by foot given its location on the edge of a large residential area and this will be improved once the Seaton's Garage site is fully developed which includes a footway/cycle link to Westland Rd. The West Hendford-Lysander Road junction also provides traffic lighted crossings from the south side of Lysander Road and this will be improved for cyclists with some of the financial contribution. In addition to this a dedicated cycle link is included around the western edge of the site leading to the main site access. Furthermore a permissive cycle/pedestrian link has been incorporated creating a direct link from the traffic lighted crossings into the site and beyond through the site to the boundary with the neighbouring SSE site. With the SSE site having development potential it is feasible that this link could continue through that site creating greater permeability. These links, allied to the inclusion of a new bus stop improve non-car access both to the site, through the site and beyond to places like the Yeovil Country Park in compliance with policies SS6, TA1, TA3 and TA5 of the Local Plan.

The proposal would provide 109 car parking spaces and dedicated cycle and motorbike parking. This is considered to be an appropriate level of car parking based on maximum standards in the Local Plan (policy TA6) and the Parking Strategy and more than previously approved. A Travel Plan has been requested by condition to promote non-car modes of transport to accord with policy TA4 of the Local Plan.

The Highway Authority raises no objections and has suggested a number of conditions. Several of these are considered unreasonable. Other conditions have been merged or are

achieved by alternative wording. It is considered with suitable and reasonable conditions the proposal accords with policy SS6, TA1, TA3, TA5, TA5 and TA6 of the Local Plan, the Parking Strategy and the NPPF.

Flooding and Drainage

The EA's flood zone mapping shows the majority of the site within Flood Zone 2 and so at a medium risk of fluvial flooding. The applicant has undertaken a modelling study for the SSE site taking into account the Dodham Brook (south) and the 'headwaters' of Dodham Brook to the east. The modelled flood outlined a significantly different flood outline and shows the majority of the site to be in Flood Zone 1 and so at low risk from fluvial flooding, although a small section to the south-east of the site is within the predicted 1 in 1000 year flood event (Flood Zone 2) outline and is therefore at medium risk. This area is proposed as car parking.

The southern section of the site is also at low-medium risk of surface water flooding but the northern part including the areas of the proposed access and the proposed building are considered low risk.

The proposed development is also considered to fall within the 'less vulnerable' category. Such uses are deemed to be acceptable in Flood Zone 2. The report also concludes that the site is at low risk from groundwater flooding, sewer flooding and flooding from artificial sources. The proposal is also unlikely to increase flood risk elsewhere.

The report suggests the finished floor level of the proposed store should be set 600mm above current ground levels to ensure the unit is set above the worst case predicted surface water flood level.

The NPPF requires surface water runoff from the site to be restricted to 70% of the existing rate. Utilising cellular storage with controlled discharge would provide this betterment. It is considered with suitable and reasonable conditions suggested by the LLFA the proposal accords with the NPPF.

Contaminated Land

The application is supported by a Phase 1 Geo-Technical and Geo-Environmental Report which assesses the geo-environmental aspects of the site, including the site's historical land use, potential resulting contamination and associated risks, prior to more detailed intrusive investigations and consideration of possible remediation requirements in order to enable the safe development of the site.

On the basis of the historical use the site is considered to be generally of moderate risk to future site users and the wider environment, however further assessment is required. The comments of the EA and the Environmental Protection Unit are noted. In this regard a condition is suggested to determine what, if any, remediation is required. It is considered that with a suitable and reasonable condition in place the proposal accords with policy EQ7 of the Local Plan and the NPPF.

Wildlife

The application is supported by an Extended Phase I Ecological Assessment dating from 2013 and an addendum update letter dated September 2015. A Phase 2 reptile survey and bat survey has now been undertaken and no evidence of roosting bats or reptiles being present on the site. The site is considered to have negligible potential for roosting bats, badgers, dormouse and great crested newts. The site is considered to have low potential for

breeding birds, reptiles and low value habitat for foraging and commuting bats.

Recommendations from the 2013 report are still offered to increase biodiversity; these will be covered by a condition. The Council's Ecologist is satisfied that previous issues have been addressed and it is also recommended that Japanese Knotweed be eradicated. A condition and informative will assist. It is considered with suitable and reasonable conditions in place the proposal accords with policy EQ4 of the Local Plan and the NPPF.

Archaeology

The South West Heritage Trust provides the LPA with advice concerning archaeology. The site lies very close to the Roman settlement, located off Westland Road. The space in-between is the area of the former Seaton's Garage which has planning permission for residential development. As such is it considered no harm would result from this application but a condition should be imposed to require the applicant to provide an archaeological investigation of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141).

Sustainable Construction

The application is supported by an Energy Statement and a Waste Management Statement. The documents set out the applicants' corporate aspirations in waste reduction and energy efficiency to accord with Policy EQ1 of the Local Plan.

Public Consultation

Prior to the submission of the planning application there was no pre-application discussion undertaken with the LPA regarding the revised application.

The application does contain a 'Community Involvement Statement'. It states the applicant distributed 18,000 response cards to households to the west of Yeovil announcing their development proposal at West Hendford. It is reported that as of the date of submission over 3,288 responses indicated they were in favour of the proposed food store, with 310 against and 46 undecided. There have only been two representations received to date in response to the planning consultation process.

ENVIRONMENTAL IMPACT ASSESSMENT

The development falls on land more than 0.5ha in size, so under Schedule 2, Part 10(b) a screening opinion should be sought. The site is not sensitive and so with the benefit of the reports submitted with the application and the subsequent consultation responses raising no significant issues it is likely an opinion will be issued prior to the committee meeting stating that environmental effects are unlikely and an EIA is therefore not required.

PLANNING OBLIGATION UNDER SECTION 106

A planning obligation was entered into under the previous scheme and so in the event of an approval of this application an updated planning obligation will be required to restrict the range of product and services which can be sold/offered from the store, to ensure revocation of the foodstore permission (09/03469/FUL) on the neighbouring site and to secure an off-site highways contribution of £100,000 towards the improvements of the Lysander Road/West Hendford junction and the Lysander Road bus stop and to ensure the provision of a permissive route through the site suitable for pedestrians and cyclists which links Lysander Road and land to the east, former SSE site, as and when that site is developed.

SECRETARY OF STATE CONSULTATION

Although the original application on this site 08/03529/FUL was referred to the Government Office of the South West to give the option for the Secretary of State to 'call-in' the application for determination Circular 02/2009 has now altered the referral criteria. On the basis of a floor area of 2,611sqm, and therefore less than the 5,000sqm threshold for development outside town centres, no referral is required.

RECOMMENDATION :

Grant planning permission for the following reason, subject to:

- (a) the prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following:
 - (i) Restriction of the range of products and services which can be sold/offered from the deep discount foodstore, including:
 - o No more than 3,000 product lines,
 - o Restriction on net sales area of non-food caparison goods to 20% of total net sales area,
 - o No butchers, fresh fish, delicatessen counters,
 - o No café/restaurant, post office or pharmacy,
 - o No lottery sales, photographic booth or dry cleaning service
 - o No cigarettes or tobacco products
 - (ii) Revocation of the foodstore permission (09/03469/FUL) on the neighbouring SSE site without compensation.
 - (iii) An off-site highways financial contribution of £100,000 towards the improvements of the Lysander Road/West Hendford junction to include upgrading to Toucan crossings and the upgrading of the existing footpath on the south eastern side of West Hendford to a shared footway/cycleway and the provision of a bus stop on Lysander Road. The bus stop and shared footway/cycleway works to be prioritised.
 - (iv) The provision of a permissive route through the site suitable for pedestrians and cyclists which links Lysander Road and land to the east, former SSE site, as and when that site is developed; and
 - (v) index linking of all financial payments.
- (b) the imposition of the planning conditions set out below on the grant of planning permission.

It is considered any perceived impact on the vitality and viability on the town centre is offset by the real and evidenced fallback position of an extant deep discount foodstore on the same site and the history of such a permission in the vicinity since 2010. These matters and the creation of employment comprise material considerations that outweigh the conflict with national and local policy. The application detail also allays concerns regarding pollution and contaminated land, ecology, flooding and surface water drainage, and the impact on the local highway network. The design and layout of the scheme is appropriate in this location. The proposal is considered to therefore be in compliance with the aims and objectives of the National Planning Policy Framework, the Somerset County Council Parking Strategy (September 2012) and policies SD1, SS1, SS3, SS6, EP3, EP9, EP10, EP11, EP12, EQ1, EQ2, EQ3, EQ4, EQ5, EQ7, TA1, TA3, TA4, TA5 and TA6 of the South Somerset Local Plan (Adopted 2015).

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

- a) Site Location Plan, Drawing No. AD100
- b) Proposed Site Plan, Drawing No. AD110 RevB
- c) Proposed Building Plan, Drawing No. AD111
- d) Proposed Roof Plan, Drawing No. AD112
- c) Proposed Elevations, Drawing No. AD113
- d) Proposed Boundary Treatment, Drawing No. AD114 RevB
- e) Proposed Site Finishes, Drawing No. AD115 RevA

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The subject land including the buildings thereon shall be used for Use Class A1 and for no other purpose (including any other purpose in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). There shall be no sub-division or fragmentation of the unit hereby approved without the prior express grant of planning permission. The net trading area for the approved store shall not exceed 1,583sqm without the prior express grant of planning permission.

Reason: In the interests of clarity, and given the out of centre location to accord with policies EP9 and EP11 of the South Somerset Local Plan (Adopted 2015) and the National Planning Policy Framework.

04. During the construction phase no site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 08:30 and 19:00 Monday to Friday and between the hours of 08:30hrs and 13:00hrs on Saturdays but not at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality to accord with policy EQ7 of the Somerset Local Plan (Adopted 2015).

05. No deliveries shall be taken at or despatched from the site outside the hours of 06:00 to 00:00 Monday to Saturday or 08:00 to 19:00 on Sundays).

Reason: To protect the amenity of the locality to accord with policy EQ7 of the Somerset Local Plan (Adopted 2015).

06. No development shall be commenced until the finished floor level of the building hereby approved has been submitted to and approved by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the agreed FFL. There shall be no raising of the site within the Flood Zone 2 area above existing ground levels.

Reason: In the interests of visual amenity and to ensure there is no loss in floodplain through the redevelopment of the site to accord with policy EQ2 of the South Somerset Local Plan (Adopted 2015) and the National Planning Policy Framework.

07. Prior to its use the specific details of the red brick to be used for the boundary treatments shall have been agreed in writing by the Local Planning Authority. All other materials shall be as detailed on drawings AD113, AD114RevB and AD115RevA and/or as stated on the planning application form unless any variation is first agreed by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan (Adopted 2015).

08. A full landscaping scheme based on Drawing No.1174 (HRH Design Associates) shall be submitted indicating all new planting across the site also taking into account the biodiversity recommendations in the ECOSA-Extended Phase 1 Ecological Assessment-Aug 2013. All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of any building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to enhance the local character to accord with policies EQ2 and EQ4 of the South Somerset Local Plan (Adopted 2015).

09. No development shall take place until a scheme for the eradication of Japanese Knotweed from the site has been submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full unless otherwise agreed in writing.

Reason: To counter an invasive species.

10. Prior to the first occupation of the building a scheme promoting biodiversity within the site utilising the recommendations made in the ECOSA-Extended Phase 1 Ecological Assessment-Aug 2013, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: For the promotion of biodiversity in accordance with policy EQ4 of the South Somerset Local Plan (Adopted 2015).

11. Prior to its installation a scheme of external lighting shall have been submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed details. Such a scheme shall ensure the pedestrian/cycle linkage to the neighbouring site is sufficiently lit and such a scheme shall take into account the biodiversity recommendations in the ECOSA-Extended Phase 1 Ecological Assessment-Aug 2013.

Reason: In the interests of visual and residential amenity in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan (Adopted 2015) and the National Planning Policy Framework.

12. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To require the archaeological investigation of a potential heritage asset due to the proximity of a Roman settlement as indicated by policy EQ7 of the South Somerset Local Plan (Adopted 2015) and the National Planning Policy Framework.

13. Prior to the first occupation of the building a schedule detailing all the equipment, plant and machinery to be used to serve that building shall be submitted to and agreed in writing by the Local Planning Authority. A scheme that specifies the provisions to be made for the control of noise emanating from the aforesaid and otherwise on the site as detailed in the Environmental Noise Report (Acoustic Consultants Ltd-October 2015) shall accompany such a schedule. In any case the air conditioning units shall not operate beyond 22:30 on any given day. The noise mitigation scheme shall be in place prior to the first use of the development, thereafter maintained and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity and pollution control to accord with policy EQ7 of the South Somerset Local Plan (Adopted 2015) and the National Planning Policy Framework.

14. Prior to the first occupation of the building a scheme for an extraction system to control any fumes and odour from that building shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the building concerned and shall thereafter be retained as such.

Reason: In the interests of residential amenity and pollution control to accord with policy EQ7 of the South Somerset Local Plan (Adopted 2015) and the National Planning Policy Framework.

15. No development shall be commenced until surface water drainage details based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved by the Local Planning Authority. The scheme shall subsequently be implemented and maintained in accordance with the approved details before the development is completed. Those details shall include: -
- a) Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
 - b) All surface water drainage from impermeable parking areas and hardstandings for vehicles shall be passed through an oil interceptor.
 - c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
 - d) Flood water exceedance routes, both on and off site, (note, no part of the site must be allowed to flood unless it has been specifically designed to do so).
 - e) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management

Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework and that such drainage systems shall be maintained and managed in accordance with the approved details throughout the lifetime of the development.

16. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
- a) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
 - b) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on-going monitoring should also be outlined.
 - c) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.
 - d) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EQ7 of the South Somerset Local Plan (Adopted 2015).

17. Piling or any other foundation designs / investigation boreholes / tunnel shafts / ground source heating and cooling systems using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that risks from contaminated land to controlled waters is prevented in accordance with Policy EQ7 of the South Somerset Local Plan (Adopted 2015).

18. Prior to the first use of any part of the development hereby approved the proposed pedestrian/cycleway link from Lysander Road to the neighbouring site and the

vehicular access, as shown on Drawing No.AD110RevB shall be fully laid out. Within one month of the first use of the development the existing vehicular access to the site located in the north eastern corner of the site (fronting West Hendford Road) to the site shall be stopped up, its use permanently abandoned and the verge/footway crossing reinstated.

Reason: In the interests of Highway Safety to accord with policy TA5 of the South Somerset Local Plan (Adopted 2015) and the National Planning Policy Framework.

19. The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of sustainable travel alternatives in accordance with the National Planning Policy Framework and policy TA4 of the South Somerset Local Plan (Adopted 2015).

20. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before any part of the building is brought into use and thereafter maintained at all times. The area allocated for parking, turning and servicing on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted. The car park shall not provide less than 109 parking spaces as shown on Drawing No.AD110RevB, at all times. Any part of the car park shall be properly consolidated and delineated before its first use.

Reason: To ensure the site is served by adequate on-site parking to accord with policies TA5 and TA6 of the South Somerset Local Plan (Adopted 2015) and the Somerset County Council Parking Strategy.

21. No works shall be carried out until a Construction Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning. Such a plan shall cover the demolition and construction period. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The CEMP shall also detail that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement, and thereafter maintained until the end of the construction period. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of Highway Safety, public amenity and to prevent pollution of the water environment to accord with the National Planning Policy Framework.

22. No raw materials, products of any description, scrap or waste materials whatsoever shall be stored in the open on any part of the subject land without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities and character of the area in accordance with policies EQ7 of the South Somerset Local Plan (Adopted 2015) and the National Planning Policy Framework.

Informatives:

01. Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site.
02. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer is advised to contact the Highway Authority to progress this agreement well in advance of commencement of development.
03. Where works are to be undertaken on or adjoining the publicly maintainable highway the developer will need to enter into a legal agreement with the Highway Authority. The developer will need to contact the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by email to discuss their proposal. Enquiries should be made as early as possible to allow adequate time for the negotiation and preparation of the legal agreements required.
04. With regards to Condition 15 the surface water drainage scheme for the proposed development must meet the following criteria:
 - a) Any outflow from the site must be limited to the maximum allowable rate, so there is no increase in the rate and/or volume of run-off, and preferably it should be reduced.
 - b) The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
 - c) If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used.
 - d) The adoption and maintenance of the drainage system must be addressed and clearly stated.
05. The applicant is strongly advised to carry through the recommendation contained in paragraph 4.4.3 of the Extended Phase 1 Ecological Assessment, ECOSA, Aug 2013 regarding measures to minimise harm to badgers.
06. With regard to Condition 09 Japanese Knotweed has previously been recorded on this site in an area now covered by rubble. This is an introduced and invasive species that, if still present, could spread over time and have a detrimental impact upon open spaces and can also cause structural damage (e.g. to car parks). Unless it has already been subject to proper eradication from the site, there is a moderate risk that it could re-appear during or after completion of the development, and will need to be subject to control or removal

measures. The spread of the plant is controlled by legislation and plant material is classed as licenced waste and hence the use of a licenced operator would be required.

07. The Wildlife and Countryside Act 1981 makes it an offence to disturb a nest of any wild bird whilst it is in use or in the process of being built. Clearance of trees, scrub, ivy, bramble or other dense vegetation, and demolition of, or works to buildings, could cause disturbance to nesting birds, and it is advisable to carry out such works outside of the main nesting season of 1st March to 31st August inclusive, unless a prior check by a competent person has confirmed the absence of nesting birds.

08. Your attention is drawn to the need to make provision, where reasonable and practicable, for the means of access, parking and sanitary conveniences for people with disabilities and for appropriate signposting of these facilities. Guidance on the appropriate standards for these facilities is available from this office.

09. This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations 1992, including any such advertisements shown on the submitted plans.

10. Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. It is recommended the applicant refer to Pollution Prevention Guidelines provided by the Environment Agency, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

11. The applicant is encouraged to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. More specific guidance it is available via: www.environment-agency.gov.uk/subjects/waste/

Spatial Policy Comments - Application Reference 15/04945/OUT

Dear Simon,

Further to your correspondence, please find below the Spatial Policy response to the application for the erection of a new food store with ancillary parking on the site of the former Ashleys of Yeovil, West Hendford.

As established in law by Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town and Country Planning Act (1990) (as amended), the starting point for considering this application must be that it is determined in accordance with the development plan unless material considerations indicate otherwise. The following sections therefore consider the application against the development plan in South Somerset and the National Planning Policy Framework (NPPF) as a material consideration.

1. Overview of Main Issues

The application is to develop a 2,611 sq m gross (1,583 sq m net) class A1 foodstore. For the purposes of your decision-making it is important to make clear two elements. Firstly, the proposed use is classified as a “town centre use” under the terms of the development plan and the NPPF¹. Secondly, the proposed location should be considered an “out of centre location”, due to it being approximately 450 metres from the edge of Yeovil’s defined town centre boundary².

Against this context, your decision will need to understand the proposed development’s compliance with the sequential test as defined in the South Somerset Local Plan Policy EP11, and given the size of the proposed scheme, the impact of the additional floorspace on Yeovil town centre through consideration of Policy EP12. In addition, your decision should reflect on whether the proposal affects the overall level of planned investment in convenience goods retail floorspace in Yeovil as defined in Policy EP10.

2. South Somerset Local Plan (2006-2028)

2.1. The Sequential Test

Policy EP11: Location of Main Town Centre Uses requires applicants to seek to locate developments on sequentially preferable sites. Sequentially preferable sites in Yeovil being:

- within the Yeovil Town Centre Shopping Area (Primary Shopping Area), followed by
- edge of centre locations³, then
- out-of-centre locations that are, or will be served by a choice of sustainable modes of transport.

The policy explains that applications for “town centre uses”, which are not in an existing town centre, and not in accordance with the development plan should be refused planning

¹ As defined in the NPPF, main town centre uses constitute retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

² As defined in the NPPF, an out of centre location which is a location which is not in or on the edge of a centre but not necessarily outside the urban area.

³ 300 m from the Primary Shopping Area

permission where the applicant has not demonstrated compliance with the sequential approach to site selection, or there is clear evidence that the proposal, either alone, or combined with other recent outstanding permissions would seriously affect the vitality and viability of a nearby town centre.

2.1.1. Consideration of the Sequential Test

The applicant has undertaken a sequential test in support of the application. There are some key criteria which have influenced the process:

- i. Locations to the 'east' are discounted on the basis that Lidl has an existing store on Lyde Road (the applicant does not define the geographical area of search).
- ii. The site needs to be able to accommodate a store of at least 1,500 sq m.
- iii. The agent has indicated that the intention is to open the store within 12 months and therefore is looking at sites which are immediately available.

Their test concludes that there are no available, viable and sequentially preferable vacant units or sites within or on the edge of Yeovil town centre.

Having reviewed the submitted site assessment, it is accepted that the following sites are not suitable or available and thus cannot be regarded as sequentially preferable to the proposed site:

- Vacant existing retail units in the town centre;
- Stars Lane North;
- Ambulance and Fire Station Site; or
- Glovers Walk.

However, it is advocated that there are four sequentially preferable sites which could accommodate the proposed development. The applicant has discounted three out of the four sites, and has not appraised the other site. The applicant's reasons for discounting these sites, along with the reasons why they are considered to be sequentially preferable are set out below:

Quedam Centre Extension

The Quedam Centre extension is discounted by the applicant on the basis that there are no available units and in their opinion the scheme is clearly targeted at comparison rather than convenience retailing.

However, the owners of the Quedam (Benson Elliot) have indicated in written correspondence to the Council (dated 4th September 2015) that the site is suitable for new retail floorspace and can meet the requirements of modern retailers for large and flexible units. Furthermore, their letter states that the site is available and viable for new Class A1 retail floorspace development.

Benson Elliot point out that parts of the site are available for immediate redevelopment and therefore could meet the timescales identified by the applicant. The Quedam owners are actively seeking to bring forward the extension proposal and are currently in discussion with the Council on how to optimise this development to ensure the future vitality of the town centre.

Based upon the evidence received from Benson Elliot, the Quedam site appears capable of accommodating the proposed development, in a sequential preferable location, within the existing town centre.

Cattle Market/Market Street

The site is discounted by the applicant on the basis that it is not suitable or available as it is proposed for a mixed use development comprising residential development and car parking.

The proposal referred to by the applicant is set out in the development brief for the site (Market Street Area, 2007). This document is now dated and was conceived in a different economic climate, outside of the new approaches to considering retail development as defined in the NPPF, PPG and case law. The Council has indicated that alternative forms of development would be considered on the site and a large-format retail unit could be acceptable as part of a re-development scheme.

More importantly, pre-application discussions with the site owner (Premier Livestock Auctions) and a development consortium (Consolidated Property Group) have established that the site is available and capable of being developed within the same timescale set out by the applicant. Furthermore, these discussions have established the site is capable of accommodating a large format retail unit within the site envelope – and as such give the Council confidence that the applicant's proposal could be achieved on this sequentially preferable location in the town centre of Yeovil.

Stars Lane South (the Box Factory)

The site is discounted by the applicant on the basis that it is identified in the Local Plan as the Summerhouse Village (Policy YV3) – a strategic location for a mixed use scheme to be delivered later on in the plan period. The Local Plan does suggest that the Summerhouse Village concept is unlikely to be achieved until late in the plan period which runs to 2028. One of the reasons for this is that the concept is recognised to have viability issues, particularly the funding of replacement of car parking spaces.

The applicant however fails to recognise that it has been the Council's position that if, in the meantime, alternative proposals come forward, a pragmatic approach would be taken, and the Council would seek to capitalise on investment to facilitate a mixed use development opportunity of the highest standards. It is expected that an initial proposal would kick start a range of investment opportunities and contribute to the overall vision for the area. This view was articulated in a press release issued by the Council to the Western Gazette in May 2015.

The long term aim remains for a mixed-use scheme, which balances housing, retail, leisure, and employment as part of the 'urban village' concept. Therefore, if there were proposals that can deliver benefits in an earlier timeframe, but also provide a platform for further growth and investment then the Council would look positively at support them. The proposed development is one such opportunity. The Council is being realistic, its focus remains on improving the vitality and viability of Yeovil town centre through development. The site is therefore deemed to be both suitable and available and a sequentially preferable site given its proximity to the town centre.

Olds Garage

The former Olds Garage site is considered to be a sequentially preferable site. However, this site (characterised as an edge of centre site) does not feature in the assessment carried out by the applicant.

2.1.2. Conclusion on Sequential Test

Based on the above it is advocated that the application fails the sequential test because it has not considered all potentially suitable sites and because there are sequentially preferable sites available for the proposed development. The application should therefore be refused on this basis that it is not in accordance with Local Plan Policy EP11.

2.2. The Impact Assessment

2.2.1. Overview

Policy EP12 of the South Somerset Local Plan (2006 – 2028) requires applications in excess of 2,500 sq m gross, in Yeovil, to be accompanied with a Retail Impact Assessment.

The Impact Assessment undertaken by the applicant concludes that the proposed store would not have a significant adverse impact on the vitality and viability of Yeovil town centre as a whole, or any planned in-centre investment.

However, the Council is extremely concerned that this store would result in a further proliferation of out of centre retail development, and that a store of this footprint and format, will divert trade and investment from the town centre. The resulting reduced footfall, combined with a continuation of difficult retail circumstances for businesses and premises, could have a potential significant impact on the vitality and viability of Yeovil town centre.

2.2.2. Applicant's Position

Impact on existing, committed and planned investment

The applicant states that they are not aware of any public or private sector planned investments other than the Quedam Centre proposals. They do not believe that the proposed store would have a significant adverse impact and therefore satisfies the NPPF test.

Impact on town centre vitality and viability

The applicant has undertaken a quantitative assessment to establish whether the estimated trade diversion of the proposed development would have a significant adverse impact on town centre vitality and viability.

The applicant indicates that the total annual convenience goods turnover of the proposed store would be £4.3 million and £0.41 million for comparison goods.

The assessment of trading impact takes into account the concept of "like affects like" in other words if a business' primary purpose is to focus on customers' main food shopping requirements, it is expected that the proposal would compete with other businesses that cater for the same grocery "market". Conversely, one would not expect a business that does not cater for the same "market" to be affected by trade diversion. The assessment concludes that the main impact will be felt by other grocery food stores, namely Morrisons, Asda and Tesco. They estimate that the largest trade diversion would be from Tesco Extra store, but given that it overtrades, they do not believe that it will threaten the viability of the store and therefore does not represent a significant adverse impact.

It is estimated that there will be trade diversion from the existing Lidl store but given that it trades at a level above the company benchmark, the impact will not be significant.

Roughly 10% of the store's turnover is expected to come from comparison goods. The applicant does not believe that this will have a significant adverse impact on businesses in Yeovil town centre.

2.2.3. Council's Position

At both a local and national level there is a clear "town centre first" approach for retail development. There have been a number of applications for out of centre food and non-food retailing around Yeovil (including on the edge of Yeovil in West Dorset) in the last two years⁴. It is clear, that the market is looking to develop these sites for a variety of reasons including cost and ownership. The overall effect of developing the sequentially non-preferable sites for clearly defined "town centre uses" is at odds with the Council's strategic plan for Yeovil town centre.

⁴ Examples include - WD/D/15/000374 – Proposed retail warehouse unit, Peel Centre, Babylon Hill, 15/03513/OUT – Mixed use development comprising A1 use, Yeovil Town Football Club, 13/03469/FUL – Erection of food retail unit (A1), drive through coffee shop (A3) and restaurant/public house (A4), Fusion Park

The Council has been in discussion with developers and it appears there is an appetite to develop some of these sequentially preferable sites. The Council, in trying to realise the development sites in the town centre is concerned that in a fragile market, which retail is, their investment could be undermined by additional out of centre floorspace. The Council is working hard to focus on regenerating Yeovil town centre and bring forward sites, the cumulative impact of out of centre retail development, erodes that effort.

Impact on existing, committed and planned investment

The applicant states that they are not aware of any public or private sector planned investments other than the Quedam Centre proposals. A number of public/private partnership groups work within Yeovil, focusing their efforts on improving the vitality, viability and vibrancy of the town centre, these include:

- Yeovil Vision;
- The Yeovil Town Team, and
- Yeovil Chamber of Trade.

The Yeovil Vision Partnership was formed in 2004 and set out an agreed vision for the future redevelopment, regeneration and renewal of Yeovil. A broad framework for delivering that vision is set out in the Yeovil Urban Development Framework which includes a number of different projects in and around the town centre (a refresh was undertaken in 2010). Since its inception, the partnership has overseen several million pounds of investment within the town centre. Investment projects include:

- Reckleford Gyratory (Eastern Gateway) - £1.7 million project to alleviate traffic congestion at the eastern side of the town centre.
- Foundry House - £883k project to redevelop/refurbish the historic, derelict glove factory site to create a mixed use development.
- Princess Street Enhancement Scheme - £208k scheme to improve the public realm, creating attractive pedestrian access and enhancing the character of the area.
- Town Centre enhancements - £160k.
- Yeovil Country Park Visitor Centre - Yeovil Vision contributed funding towards the creation of the centre, creating improved linkages between the town centre and Country Park.

This list is not exhaustive, but illustrates public investment in Yeovil town centre.

The Yeovil Town team was set up in 2010 as a public private partnership, with the aim of improving the footfall within Yeovil Town centre. The group focuses on marketing and promoting the town and is heavily supported by local businesses. It has undertaken a range of initiatives including the Yeovil Town Centre App, the Yeovil Loyalty Card as well as running a range of events throughout the year. The Yeovil Town Team also contributes to the work of the Yeovil Town Centre Enhancement Group which carries out regular audits of the town and invests around £20k per annum on ensuring that a clean and inviting town centre environment is maintained.

All groups working within the town centre are encouraged by the renewed confidence demonstrated by the current owners of the Quedam Shopping Centre, Benson Elliot, who have recently had two applications approved to improve the existing offer with the town centre by amalgamating and reconfiguring existing units. Pre-application discussions are currently being held with Benson Elliot regarding the Quedam extension. There is concern over the potential impact that any further out of centre retail development could have on the planned private investment by the company in Yeovil town centre. The Quedam extension is vital to the future vitality and viability of Yeovil town centre.

Impact on town centre vitality and viability

The applicant states that vacancy rates in Yeovil town centre have improved since the RPS Retail Assessment (which was undertaken in August 2013 to support the previous application ref: 13/03564/FUL). They state that there are currently 35 vacant units in Yeovil town centre, equating to a vacancy rate of 10%, better than the national average. The applicant states that this performance indicator does not point to a weak or fragile town centre.

Commercial information and the Council's own monitoring records do not concur with the applicant's view of the town centre. In 2007, Yeovil town centre was ranked 118th in Javelin's VenueScore⁵, in the latest rankings (2014) it has slipped to 165th, demonstrating its vulnerability and the impact of the closure of a number of key national multiples due to the impact of the recession, but also because of relocations to cheaper, out of centre sites. For example, during this timeframe, Next (closed between September 2006 and 2007 retail monitoring exercise) and JJB Sports (closed between 2007/2008) and both vacated the town centre and relocated to the Peel Centre. Mothercare (closed between 2009/2010) and Currys/PC World (closed between 2009/2010) and also relocated to Houndstone Retail Park.

The Council's Annual Retail Monitoring demonstrates that vacancy rates in Yeovil Town Centre have increased over time, as have the vacancies within the Primary Shopping Frontages:

Year	Total Premises within Town Centre	Vacancies	%
2006	487	46	9.44
2007	468	48	10.25
2008	468	49	10.47
2009	471	61	12.95
2010	472	56	11.86
2011	480	56	11.66
2012	480	71	14.79
2013	480	72	15.00
2014	483	75	15.52
2015	488	70	14.34

Year	Total Premises within Primary Shopping Frontage	Vacancies	%
2006	125	8	6.4
2007	126	8	6.34
2008	127	9	7.08
2009	128	17	13.28
2010	130	17	13.07
2011	128	12	12.5
2012	128	23	17.96
2013	136	24	17.64
2014	128	24	18.75
2015	131	19	14.50

The last survey was undertaken in September 2015. It demonstrates that whilst there are signs of improvement, there is still an overall vacancy rate across the Town Centre and Primary Shopping Frontage of 14.34% and 14.5%, which is above the national average.

The fall in Yeovil's national ranking since 2007, the rise in vacancies and the loss of a number of key national multiple anchor retailers to out-of-centre shopping locations clearly demonstrate that its overall vitality and viability is weak and vulnerable to further challenge from out-of-centre retailing, as well as the threat of online shopping. Clearly the loss of further retailers, turnover and shoppers to new out-of-centre retailing will further significantly erode investor and business confidence in the future growth and performance of the town centre at this critical stage in its recovery.

The Council also does not accept the simple logic of "like affects like", and given that certain stores are apparently over-trading that this does not result in an impact on the town centre.

⁵The Javelin VenueScore is widely used as a key indicator to help inform the changing attraction and performance of different shopping locations from year-to-year.

Whilst trade may be drawn from a store which is over-trading, it is too simplistic to consider that this results in a net neutral effect. The Tesco Extra store in question is in an ideal location sequentially, within the town centre, and drives a series of additional benefits, namely linked-trips to and from the other retailers in the town centre. The trade that would be drawn to a new store, located away from the town centre precludes linked trips and therefore has a greater negative effect on the town centre than merely the shift in overall trade.

Furthermore, the South Somerset Retail Study Update (July 2010) concluded that although Yeovil Town Centre was a successful Town Centre, it had experienced increased vacancies in recent years, part in due to the UK economic climate and part in due to the age, attractiveness and availability of property stock. The study concluded that the proposals for the extension of the Quedam Centre, if implemented would considerably improve the town centre offer by providing a range of modern retail units. It recommended that careful consideration should be given to out-of-centre proposals given their potential to harm opportunities on the town centre.

Town Centre retailing in general is currently facing a difficult environment with the economy still picking up from the economic crisis of 2008 and ever increasing competition from internet sales, particularly in the comparison sector.

2.2.4. Conclusion on the Impact Assessment

The Council's clear policy direction is to locate town centre uses into the defined centre of Yeovil, on sequentially preferable sites.

The Council highlights that more than just the Quedam Centre's planned investment will be undermined by the application site. The benefits of the ongoing investment by a number of public/private partnerships which clearly focus on improving Yeovil town centre, highlighted above, will be affected, as will the public investment in the centre. Businesses and landowners/developers require confidence to invest and this confidence can be damaged by a weak approach to out of centre retail development which can affect town centre sites coming forward.

Furthermore, the overall vitality and viability of Yeovil is being eroded. The town centre is vulnerable as is demonstrated by the Council's Annual Retail Monitoring. Whilst there are signs of improvement in vacancy rates between 2014 and 2015, in eight of the last ten years the vacancy rate has been growing. This indicator points to a fragile town centre.

The overall concern is that more out of centre retailing will have an adverse impact on the vitality and viability of Yeovil town centre and planned investment in the centre.

2.3. The Quantitative Need for Convenience Retail Development in Yeovil

Policy EP10: Convenience and Comparison Shopping in Yeovil, limits the convenience goods retail floorspace in Yeovil to 2,400 sq m net (or £29.9m retail expenditure) by 2017. The application should be considered in the context of this policy.

3. Consideration of Material Considerations on the Sequential Test and Impact Assessment

Paragraph 23 of the NPPF urges local planning authorities to recognise town centres as the heart of their communities and support their vitality and viability. The NPPF reinforces the requirement for a sequential test to be submitted with planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan (Para 24, NPPF).

Where a proposal is over 2,500 sq m, or a locally set threshold, the NPPF requires local authorities to obtain an Impact Assessment to assess retail proposals which are outside

town centres and are not in accordance with an up-to-date Local Plan (Para 26, NPPF). The NPPF clarifies that the impact assessment should consider:

- The impact of the proposal on existing, committed and planned public and private investment in a centre; and
- The impact of the proposal on town centre vitality and viability.

Where the proposal fails to satisfy the sequential test or is likely to have a significant adverse impact, the NPPF clarifies that the application should be refused (Para 27, NPPF).

The PPG further reinforces the two key tests that should be applied when dealing with town centre uses not in an existing town centre - the sequential test and the impact test, and advises on the application of these tests.

The NPPF and PPG state that compliance with the sequential test does not guarantee that permission is granted, and local planning authorities will have to consider all the material planning considerations in reaching their decision.

As noted above, it is beyond doubt that the site is in an out of centre location, and that sequentially preferable sites can accommodate the proposed application. Furthermore, it is the case that the impact assessment has not truly understood the scale of planned investment in the town centre.

The NPPF also sets out how the planning system should be supportive of sustainable economic growth and job creation. The NPPF clarifies that planning policies should not over burden business investment, and they should be flexible to allow for rapid changes in economic circumstances. Consideration should therefore be given as to whether the impact of the proposed scale of development and subsequent investment constitutes 'material harm', when weighed against the 40 jobs and approximately £4.5 million investment generated by the applicant themselves.

It is clear, from the planning statement submitted with the application, that if the application were to be refused, the applicant would not consider redirecting the proposed development to an alternative site (see paragraph 8.22 of Retail and Planning Statement, dpp Planning, September 2015). As such, as part of the planning balance, the potential loss of this economic development needs to be weighed against the potential harm that it could have upon Yeovil town centre.

4. Conclusion

The applicant is looking to develop a new style 2,611 sq m gross (1,583 sq m net) class A1 foodstore.

The proposed use is classified as a main "town centre use" and the proposed location is classified as an "out of centre" location. As required by the Local Plan and NPPF, the applicant has undertaken a sequential test and impact assessment in support of this proposal. These conclude that there are no sequentially preferable sites, and that the proposed development will not have a significant adverse impact on the vitality and viability of Yeovil town centre or any planned investment in the centre.

The applicant illustrates the qualitative benefits of the proposal as:

- the regeneration of a vacant brownfield site, bringing multiple economic benefits;
- improved retail offer for the local area - a lack of a discount store to the west of the town centre represents a weakness in their opinion; and
- given their smaller more limited product range, opportunities for linked trips and associated spin-off trips with local retailers; improving the overall food offer in this part of Yeovil.

However, this application is contrary to Local Plan Policy EP11 and Paragraph 27 of the NPPF, as it fails the sequential test. This is because it has not considered all potentially suitable sites and because there are sequentially preferable sites suitable and available for the proposed development.

Additionally, there is concern that more out of centre retailing will have an adverse impact on the vitality and viability of Yeovil town centre and planned investment in the centre. The applicant's impact assessment has failed to recognise the scale of planned investment across a range of development sites in the town centre, which would be compromised by the allowing of the proposed application.

The application is contrary to the South Somerset Local Plan's strategy for Yeovil town centre. The Council is in discussion with landowners and developers associated with the sequentially preferable sites identified above. Allowing this application for additional "out of centre" floorspace will erode the confidence of those landowners to progress development proposals in an increasingly competitive and fragile market. As such, this could compromise the approved strategy for regenerating, enhancing and improving the vitality of the town centre.

The fact that the application is not in accordance with the South Somerset Local Plan, must be weighed against the fact that the proposal will generate 40 jobs and realise approximately £4.5million worth of trade and investment.

December 2015

Agenda Item 9

Area South Committee Forward Plan

Strategic Director: Rina Singh, Acting Chief Executive
Assistant Director: Helen Rutter / Kim Close, Communities
Service Manager: Kim Close, Area Development Manager - South
Agenda Co-ordinator: Jo Boucher, Democratic Services Officer, Legal and Democratic Services SSDC
Contact Details: jo.boucher@southsomerset.gov.uk or (01935) 462011

Purpose of the Report

This report informs Members of the agreed Area South Forward Plan.

Recommendations

Members are asked to:-

1. Comment upon and note the proposed Area South Forward Plan as attached at Appendix A.
2. Identify priorities for further reports to be added to the Area South Forward Plan, developed by the SSDC lead officers

Area South Committee Forward Plan

The forward plan sets out items and issues to be discussed by the Area Committee over the coming few months.

The forward plan will be reviewed and updated each month, by the joint lead officers from SSDC, in consultation with the Area Committee Chairman. It is included each month with the Area Committee agenda, where members of the Area Committee may endorse or request amendments.

Members of the public, councillors, service managers, and partners may request an item is placed within the forward plan for a future meeting, by contacting the agenda co-ordinator.

Background Papers: None

Appendix A

Notes

- (1) Items marked in *italics* are not yet confirmed, due to the attendance of additional representatives.
- (2) For further details on these items, or to suggest / request an agenda item for the Area South Committee, please contact the Agenda Co-ordinator; Jo Boucher.

Meeting Date	Agenda Item	Background/ Purpose	Lead Officer
3rd February 2016	Community Health & Leisure Service Update Report	Annual Update Report	Lynda Pincombe, Community Health & Leisure Manager
	Somerset Highways – maintenance programme	A six monthly update report on the current and expected highways maintenance programme in Area South	Mike Fear, Assistant Highway Service Manager, South Somerset Highways
	Local Housing Needs in Area South	Annual Update on the Local Housing Needs in Area South	Kirsty Larkins, Housing & Welfare Manager
	Houses in Multiple Occupancy	Presentation on all aspects of HMO's and current legislation.	David Norris, Development Manager
2nd March 2016	Westland Leisure Complex, Yeovil	Update report on the Westland Leisure Complex, Yeovil	Steve Joel, Assistant Director (Health and Well-Being)
	Streetscene Update Report	Annual Update Report	Chris Cooper, Streetscene Manager
	Countryside Service Update Report	Annual Update Report	Katy Menday, Countryside Manager
6th April 2016	Grants Update Report	Annual Update Report	Natalie Ross, Community Development Officer

Meeting Date	Agenda Item	Background/ Purpose	Lead Officer
	Somerset Highways – maintenance programme	An update report on the current and expected highways maintenance programme in Area South	Mike Fear, Assistant Highway Service Manager, South Somerset Highways
	Markets	Current position of Street Markets in Area South	Kim Close, Assistant Director Communities/Area South Development Manager

Agenda Item 10

Planning Appeals (For information)

Assistant Director: Martin Woods, Assistant Director (Economy)
Lead Officer: Martin Woods, Assistant Director (Economy)
Contact Details: martin.woods@southsomerset.gov.uk or (01935) 462071

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Recommendation

That the report be noted.

Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the committee.

Appeals Received

Ward: Yeovil (East)
Proposal: Erection of a shed (Retrospective) (GR 356584/117451)
Appellant: Mr Ryan Ferrari
Site: 16 Northbrook Road Yeovil Somerset BA21 5RQ

Appeals Dismissed

Ward: Yeovil (East)
Proposal: The erection of 2 No. dwellinghouses with associated access and parking (Revised Application) (GR 356369/116250)
Appellant: Chamba Developments
Site: 94 – 98 Sherborne Road Yeovil Somerset BA21 4HN

Financial Implications

None

Implications for Corporate Priorities

None

Other Implications

None

Background Papers: Planning application file



Appeal Decision

Site visit made on 27 October 2015

by **H Baugh-Jones BA(Hons) DipLA MA CMLI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 December 2015

Appeal Ref: APP/R3325/W/15/3049290

94-98 Sherborne Road, Yeovil, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Garry Britton against the decision of South Somerset District Council.
 - The application Ref 15/00672/FUL, dated 10 February 2015, was refused by notice dated 1 April 2015.
 - The development proposed is 2 new 3 bedroom dwellings with associated parking.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the development proposed on highway safety in Sherborne Road.

Reasons

3. Sherborne Road is part of the A30, which is a main arterial route into and out of Yeovil. The appeal site is located near to the centre of town and fronts directly onto the highway but sits at a higher level behind a stone retaining wall. This is reflective of many other residential plots along the southern side of Sherborne Road. Whilst the road is mainly residential, there are also a few commercial premises.
4. A previous planning permission (now lapsed) granted consent for the erection of two dwellings on the site but utilising an existing adjacent access known as Hillside Terrace. This is a narrow road that borders the north eastern site boundary and leads to an area of residential development to the south east.
5. The current proposal comprises the erection of two dwellings but would have frontage parking accessed directly from Sherborne Road. The proposed parking area, which would provide four spaces, now includes a vehicle turning area within the site. In combination with a number of other amendments to the scheme, this appears to be an attempt to overcome the issues that led to the dismissal at appeal of a previous incarnation of the scheme (ref APP/R3325/A/14/2223035).
6. The South Somerset Local Plan 2006-2028 (LP) was adopted in March 2015. Policy TA5 sets out the requirements for new development, which amongst other things, seeks to ensure that new development does not give rise to

detrimental effects on the safety of the local road network. Paragraph 32 of the National Planning Policy Framework (the Framework) sets out that development should only be refused on transport grounds where the residual or cumulative impacts of development are severe.

7. During my site visit (which was late morning), I noted that Sherborne Road is heavily trafficked and saw nothing to suggest that vehicle speeds were lower than the 30mph speed limit and no evidence has been provided to the contrary. This leads me to the conclusion that the increased number of vehicle movements likely to result from the occupation of the two new dwellings has the potential to compromise highway safety should it fail to provide for adequate visibility. This is particularly important given the bend in the road a short distance to the east.
8. The Council points out that Manual for Streets (2007) (MfS) provides technical advice on stopping sight distances and visibility requirements. In 30mph zones such as Sherborne Road, MfS suggests that a stopping site distance of approximately 40m, or 43m when adjusted for bonnet length is appropriate. The stopping sight distance also determines the length of visibility splays in both directions, the 'Y' distance, which in this case is 43m. The advice in MfS is reflected in the Council's Highways Standing Advice (2013) (SA).
9. In most built up situations, the visibility splay should be measured 2.4m back from the carriageway, the 'X' distance. This represents a reasonable maximum distance between the front of the car and the driver's eye. The 'X' distance can be reduced to 2m in very lightly trafficked and low speed areas. Furthermore MfS 2 (2010) states that the 'Y' distance can be extended to the vehicle track line.
10. I accept that the proposed arrangement would provide better access by way of improved visibility than it would were access to be to and from Hillside Terrace. However, it is accepted by the appellant that a visibility splay of only 31m could be achieved based on the vehicle track line. Consequently, this would fall 12m short of the necessary 'Y' distance. Whilst the width of the road is such that the off-side of four-wheeled vehicles would be visible, cyclists and those using powered two-wheelers would be likely to be riding nearer to the kerb. Therefore the breach of the 43m 'Y' distance would not be acceptable.
11. The current scheme would include a front boundary wall of 600mm height but with a number of taller brick piers. It would be set into the site from the back of the existing footway and would serve to widen the current narrow footway as it passes the site. Despite the brick piers, because of the proposed low height of the majority of the front wall the site frontage would have a generally open character. Therefore, drivers exiting the site would be able to observe approaching pedestrians and vice-versa and there would be no detrimental effects on pedestrian safety.
12. Nevertheless, for the other reasons given above, the proposal would run counter to LP Policy TA5, the Highways SA and the technical advice regarding the provision of visibility splays in MfS/MfS 2. It would therefore result in a severe impact on highway safety, contrary to paragraph 32 of the Framework.

Other matter

13. Since the application was determined, a High Court judgement of 31 July 2015¹ resulted in the Court making a Declaration Order on 4 August 2015 confirming that the policies in the related Ministerial Statement must not be treated as a material consideration in the exercise of powers and duties under the Planning Acts. Consequently, paragraphs 012-023 of the Planning Practice Guidance on planning obligations have been removed.
14. As a result, the Council has therefore, within its statement, set out a requirement for the proposed development to provide a contribution in respect of affordable housing by means of a Unilateral Undertaking (UU), should the appeal be allowed. I note that the appellant has not provided a UU. However, as I am dismissing the appeal for other reasons, this matter does not need to be given further consideration in my decision.

Conclusion

15. For the reasons given above and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector

¹ West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government [2015] EWHC 2222 (Admin)